

CAUSE NO.

J. P. BRYAN	§	IN THE DISTRICT COURT
	§	
	§	
	§	
VS.	§	394th JUDICIAL DISTRICT
	§	
UNION PACIFIC RAILROAD	§	
COMPANY AND UNION	§	
PACIFIC CORPORATION	§	BREWSTER COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION AND REQUEST FOR DISCLOSURE

NOW COMES J. P. Bryan, hereinafter referred to as Plaintiff complaining of Union Pacific Railroad Company ("UPRR") and Union Pacific Corporation ("UPC"), hereinafter referred to as Defendants, and for cause of action would respectfully show as follows:

I.

Pursuant to TRCP 190.1, discovery is intended to be conducted under Level 3 of TRCP 190.

II.

Damages sought are within the jurisdictional limits of this Court. Plaintiff seeks monetary relief over \$100,000 and non-monetary relief.

III.

Venue for this cause of action is proper in Brewster County, Texas pursuant to Tex. Civ. Prac. & Rem. Code Section 15.002 (General Rule) and 15.011 (Land - Mandatory).

IV.

Plaintiff is a natural person. Union Pacific Railroad Company is a Delaware entity, which may be served with process by serving its registered agent in Texas, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201. Union Pacific Corporation is a Utah entity, which may be served with process by serving its registered agent in Texas, CT Corporation System, 1999 Bryan St., Ste. 900, Dallas, Texas 75201.

V.

Plaintiff owns land in Marathon, Brewster County, Texas upon which agents, employee, servants, contractors, subsidiaries, and/or aiders and abettors of Defendants, despite being repeatedly notified and asked to leave, continued to intentionally trespass on, convert, and cause damage to Plaintiff's property in a prolonged concert of action and/or conspiracy and in which conversion and trespass Defendants participated, consented, encouraged, and/or ratified as a joint enterprise.

V.

As a result of said conduct, Plaintiff seeks recovery for the loss of use and occupancy of Plaintiff's property, recovery of the reasonable and necessary cost to

repair harm caused by said conduct, loss of intrinsic and actual value of and damage to vegetation, recovery for diminution in value of Plaintiff's property, recovery of the reasonable value of Plaintiff's property destroyed or removed by said conduct and recovery of reasonable and necessary expenses incurred or to be incurred by Plaintiff in protecting against the harm caused by said conduct. Plaintiff also seeks recovery of exemplary damages for fraudulent, malicious, or grossly negligent conduct.

VI.

Despite Plaintiff performing every condition precedent to recovery, and despite demand on Defendants for payment, Defendants still refuse to pay.

VII.

The nature of Defendants and said conduct is such that Defendants are likely to trespass on Plaintiff's property in the future, causing irreparable and continuing injury to Plaintiff's property. Plaintiff seeks a permanent injunction enjoining Defendants and all persons and entities acting in concert with Defendants from trespassing on Plaintiff's land in the future.

REQUEST FOR DISCLOSURE

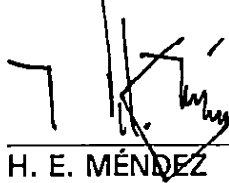
Pursuant to Rule 194 of the Texas Rules of Civil Procedure, Defendants are requested to disclose, within fifty (50) days of the date of service of this request, the information or material described in Rule 194.2.

WHEREFORE, Plaintiff prays that Defendants be cited to appear and answer herein and, upon final hearing hereof, that Plaintiff have final judgment as sought

above and for the amounts owed plus pre-judgment and post-judgment interest, fees, costs, and such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

H.E. Mendez
State Bar No. 13932950
Attorney at Law
212 Losoya, Ste. 5
San Antonio, Texas 78205
(210) 224-4081
(210) 224-4113 – Fax



H. E. MÉNDEZ
State Bar No. 13932950
hem@hemendez.com

and

GOODE CASSEB JONES
RIKLIN CHOATE & WATSON, P.C.
P.O. Box 120480
San Antonio, Texas 78212
(210) 733-6030
(210) 733-0330 – Fax

Fred R. Jones
State Bar No. 10886700
jones@goodelaw.com
Michael R. Hedges
State Bar No. 09370200
hedges@goodelaw.com

ATTORNEYS FOR PLAINTIFF

Cause Number: _____

District Court : _____

Request for ProcessStyle: J.P. Bryan Vs. Union Pacific Railroad Company and Union Pacific Corporation

Request the following process: (Please check all that Apply)

☒ Citation ☐ Notice ☐ Temporary Restraining Order ☐ Notice of Application for Protective Order
☐ Temporary Protective Order ☐ Precept with hearing ☐ Precept without a hearing ☐ Writ of Attachment
☐ Writ of Habeas Corpus ☐ Writ of Garnishment ☐ Writ of Sequestration ☐ Capias ☐ Other: _____

1.

Name: Union Pacific Railroad CompanyRegistered Agent/By Serving: CT Corporation SystemAddress 1999 Bryan St., Ste. 900, Dallas, Texas 75201

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☒ Out of County ☐ Secretary of State ☐ Constable Pct ____

(Pct. 3 serves process countywide)

2.

Name: Union Pacific CorporationRegistered Agent/By Serving: CT Corporation SystemAddress 1999 Bryan St., Ste. 900, Dallas, Texas 75201

Service Type: (Check One) ☒ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☒ Out of County ☐ Secretary of State ☐ Constable Pct ____

(Pct. 3 serves process countywide)

3.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct ____

(Pct. 3 serves process countywide)

4.

Name: _____

Registered Agent/By Serving: _____

Address _____

Service Type: (Check One) ☐ Private Process ☐ Sheriff ☐ Commissioner of Insurance ☐ SA Express News ☐ Hart Beat ☐ Courthouse Door
☐ Certified Mail ☐ Registered Mail ☐ Out of County ☐ Secretary of State ☐ Constable Pct ____

(Pct. 3 serves process countywide)

Title of Document/Pleading to be Attached to Process: Plaintiff's Original Petition and Request for DisclosureName of Attorney/Pro se: Fred R. JonesBar Number: 10886700Address: PLEASE EMAIL CITATIONS TO denton@goodelaw.comPhone Number: 210-733-6060Attorney for Plaintiff X Defendant _____ Other _____

Jo Ann Salgado
Brewster County District Clerk
P.O. BOX 1024
ALPINE, TX 79831

ATTORNEY FOR PETITIONER

THE STATE OF TEXAS



REGULAR CITATION

Greetings,
Union Pacific Corporation
1999 Bryan St Ste 900
Dallas, Texas 75201

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taking against you."

You are hereby commanded to appear by filing a written answer to the **PLAINTIFF'S ORIGINAL PETITION FOR AND REQUEST FOR DISCLOSURE** at or before ten o'clock a.m. of the Monday next after the expiration of twenty (20) days after the date of service of this citation before the Honorable 394TH JUDICIAL DISTRICT COURT of BREWSTER County, Texas. Said petition was filed on **APRIL 4TH, 2019** in this case, number CVB 19 296 on the docket of said Court, and styled,

J.P. BRYAN
VS

UNION PACIFIC RAILROAD COMPANY AND UNION PACIFIC CORPORATION

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part hereof. **PLAINTIFF'S ORIGINAL PETITION FOR AND REQUEST FOR DISCLOSURE.**

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this 12TH day of **APRIL, 2019.**

JO ANN SALGADO District Clerk
394TH JUDICIAL DISTRICT COURT
BREWSTER County, Texas

By

Deputy



SHERIFF'S RETURN

Came to hand on the _____ day of _____, 2019, at _____ o'clock __.m., and executed on the _____ day of _____, 2019 at _____ o'clock __.m., at _____, in _____ County, _____ by delivering to each of the within-named defendant(s), in person, a true copy of this Citation, together with the accompanying copy of the **PLAINTIFF'S ORIGINAL PETITION FOR AND REQUEST FOR DISCLOSURE** having first endorsed thereon the date of delivery, together with the accompanying times and places to wit:

Name	Day/Month/Year	Hour/Minute	Place, Course, and Distance from Court House

Not executed for the following reasons:

Information received as to the whereabouts of the said defendant(s) being

I am a disinterested person competent to make oath of the fact.

I actually and necessarily traveled _____ miles in the service of this Writ in addition to any mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: Serving — cop — \$ _____
Mileage _____ miles — \$ _____
Total — \$ 90

Subscribed and Sworn to _____ before me, the undersigned authority, this the _____ day of _____, 2019, at _____ o'clock __.m.

_____, Sheriff
_____, County,
State of _____
By _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____, 2019, at _____ o'clock __.m. this copy of this instrument.

_____, Sheriff
_____, County,
State of _____
By _____, Deputy

**AFFIDAVIT
ATTACHED**

AFFIDAVIT OF SERVICE

State of Texas

County of Brewster

394th Judicial District Court

Case Number: CVB19296

Plaintiff:

J. P. Bryan

vs.

Defendant:

Union Pacific Railroad Company and Union Pacific Corporation

For: Fred Jones - NEW

Goode Casseb Jones

Received by Kim Tindall & Associates LLC on the 15th day of April, 2019 at 9:33 am to be served on Union Pacific Corporation by serving its Registered Agent, CT Corporation System, 1999 Bryan St., Ste 900, Dallas, TX 75201. I, Mitchell Draeger, being duly sworn, depose and say that on the 16 day of April, 2019 at 10:55 am., executed service by delivering a true copy of the Citation and Plaintiff's Original Petition and Requests for Disclosure in accordance with state statutes in the manner marked below.

() PUBLIC AGENCY: By serving _____ as _____ of the within-named agency.

() SUBSTITUTE SERVICE: By serving _____ as _____

☒ CORPORATE SERVICE: By serving Melissa Torres as sup intake

() OTHER SERVICE: As described in the Comments below by serving _____ as _____

() NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

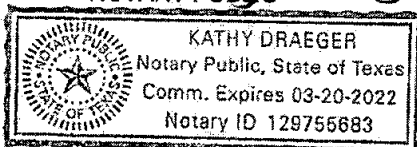


AFFIDAVIT OF SERVICE For CVB19296

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 17
day of April, 19 by the affiant who
is personally known to me.

Kathy Draeger
NOTARY PUBLIC



Mitchell Draeger
PROCESS SERVER # 7995 Exp: 12-31-19
Appointed in accordance with State Statutes

Kim Tindall & Associates LLC
16414 San Pedro Avenue #900
San Antonio, TX 78232
(210) 697-3400

Our Job Serial Number: 2019000768

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Jo Ann Salgado
Brewster County District Clerk
P.O. BOX 1024
ALPINE, TX 79831

ATTORNEY FOR PETITIONER

THE STATE OF TEXAS



REGULAR CITATION

Greetings,
Union Pacific Railroad Company
1999 Bryan St Ste 900
Dallas, Texas 75201

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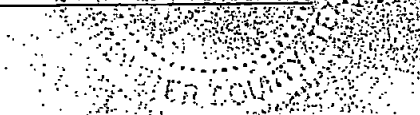
The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Petition accompanying this citation and made a part hereof. **PLAINTIFF'S ORIGINAL PETITION FOR AND REQUEST FOR DISCLOSURE.**

The officer executing this writ shall promptly serve the according to requirements of law, and the mandates thereof, and make due return as the law directs.

Issued and given under my hand and seal of said Court at ALPINE, Texas this **12TH** day of **APRIL, 2019**.

JO ANN SALGADO District Clerk
394TH JUDICIAL DISTRICT COURT
BREWSTER County, Texas

By Brianne Stille
Deputy



SHERIFF'S RETURN

Came to hand on the _____ day of _____, 2019, at _____ o'clock __.m., and executed on the _____ day of _____, 2019 at _____ o'clock __.m., at _____, in _____ County, _____ by delivering to each of the within-named defendant(s), in person, a true copy of this Citation, together with the accompanying copy of the **PLAINTIFF'S ORIGINAL PETITION FOR AND REQUEST FOR DISCLOSURE** having first endorsed thereon the date of delivery, together with the accompanying times and places to wit:

Name	Day/Month/Year	Hour/Minute	Place, Course, and Distance from Court House

Not executed for the following reasons:

Information received as to the whereabouts of the said defendant(s) being

I am a disinterested person competent to make oath of the fact.

I actually and necessarily traveled _____ miles in the service of this Writ in addition to any mileage I may have traveled in the service of other process in the same case during the same trip.

FEES: Serving — cop — \$ _____
Mileage _____ miles — \$ _____
Total — \$ 47.50

Subscribed and Sworn to _____ before me, the undersigned authority, this the _____ day of _____, 2019, at _____ o'clock __.m.

_____, Sheriff
_____, County,
State of _____
By _____, Deputy

CERTIFICATE OF DELIVERY

I do hereby certify that I delivered to _____, on the _____ day of _____, 2019, at _____ o'clock __.m. this copy of this instrument.

_____, Sheriff
_____, County,
State of _____
By _____, Deputy

**AFFIDAVIT
ATTACHED**

AFFIDAVIT OF SERVICE

State of Texas

County of Brewster

394th Judicial District Court

Case Number: CVB19296

Plaintiff:

J. P. Bryan

vs.

Defendant:

Union Pacific Railroad Company and Union Pacific Corporation

For: Fred Jones - NEW

Goode Casseb Jones

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() PUBLIC AGENCY: By serving _____ as _____ of the within-named agency.

() SUBSTITUTE SERVICE: By serving _____ as _____

☒ CORPORATE SERVICE: By serving melissa torres as SOP Intake

() OTHER SERVICE: As described in the Comments below by serving _____ as _____

() NON SERVICE: For the reason detailed in the Comments below.

COMMENTS: _____

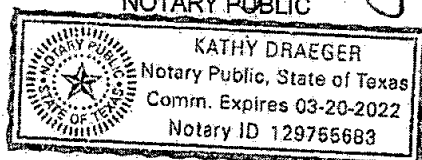


AFFIDAVIT OF SERVICE For CVB19296

I certify that I have no interest in the above action, am of legal age and have proper authority in the jurisdiction in which this service was made.

Subscribed and Sworn to before me on the 17
day of April, 19 by the affiant who
is personally known to me.

Kathy Draeger
NOTARY PUBLIC



Mitchell Draeger
PROCESS SERVER # 7995 Exp: 12-31-19
Appointed in accordance with State Statutes

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16414 San Pedro Avenue #900
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(210) 697-3400

Our Job Serial Number: 2019000769

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GOODE CASSEB JONES
RIKLIN CHOATE & WATSON
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
2122 N. MAIN AVENUE
P.O. BOX 120480
SAN ANTONIO, TEXAS 78212-9680

JOHN GOODE
(1923-1994)

TELEPHONE
(210) 733-6030
FACSIMILE
(210) 733-0330

April 30, 2019

Jo Ann Salgado
District Clerk
Brewster County Courthouse
PO Box 1024
Alpine, TX 79831

via e-filing

RE: Cause No. cvb19296; J.P. Bryan vs. Union Pacific Railroad Company and
Union Pacific Corporation; 394th Judicial District Court, Brewster County,
Texas

Dear Sir/Madam

Please be advised that I will be on vacation during the following dates:

– May 8, 2019 through May 20, 2019, inclusive.

Please do not schedule me for any hearings or other matters on those days.
Thank you.

Respectfully submitted,

/s/Fred R. Jones
Fred R. Jones
State Bar No. 10886700
Jones@goodelaw.com